

August 8, 2001

**Ex Parte Presentation**

Ms. Magalie Roman Salas, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Room TW-B204  
Washington, DC 20554

**RE: WIRELESS LOCAL NUMBER PORTABILITY, WTB DOCKET #01-184**

**VERIZON WIRELESS' PETITION PURSUANT TO 47 U.S.C. § 160 FOR  
PARTIAL FORBEARANCE FROM THE COMMERCIAL MOBILE RADIO  
SERVICES NUMBER PORTABILITY OBLIGATION**

Enclosed are the original and two copies of the Association of Communications Enterprises' ex parte presentation in response to the above referenced Petition. Please contact me if you have any questions.

Respectively Submitted,

David Gusky  
Executive Vice President

Enclosures

August 8, 2001

**Ex Parte Presentation**

The Honorable Michael Powell  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**RE: WIRELESS LOCAL NUMBER PORTABILITY, WTB DOCKET #01-184**

Dear Mr. Chairman:

On July 26, 2001 Verizon Wireless filed a petition for forbearance with the Commission seeking a permanent exemption for commercial mobile radio service (CMRS) carriers from the obligation to implement local number portability. The Association of Communications Enterprises (ASCENT) urges the Commission to deny the petition quickly and decisively so as not to jeopardize the November 24, 2002 deployment date for wireless LNP.

As you know, the necessity and implementation schedule for wireless LNP was intensely debated just a few short years ago. At the time, some parties pushed for complete forbearance from wireless LNP, arguing that the functionality should not be mandated in an industry as competitive as wireless.<sup>1</sup> Other parties argued that wireless LNP presented technical challenges far greater than those presented by wireline LNP and, consequently, more time was needed for implementation.<sup>2</sup>

In its February 9, 1999 *Order*, the Commission agreed to give CMRS carriers an additional 30 months to implement wireless LNP, extending the deadline from March 31, 2000 to November 24, 2002.<sup>3</sup> Despite the extension, however, the Commission remained firm in its conviction that wireless LNP would serve the public interest because it promoted competition and consumer choice. In fact, in the same document that pushed back the starting date, the Commission stressed that the “competitive reasons” for mandating wireless LNP “remain fundamentally valid” and that it is “essential” for the wireless industry to take the steps necessary “to achieve timely implementation of LNP.”<sup>4</sup>

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<sup>1</sup> Petition for Reconsideration, GTE Service Corporation, WT Docket No. 98-229, CC Docket No. 95-116 (filed May 27, 1999).

<sup>2</sup> Petition for Forbearance, Cellular Telecommunications and Industry Association, WT Docket No. 98-229, CC Docket No. 95-116 (filed December 16, 1997).

<sup>3</sup> *Memorandum Opinion and Order*, WT Docket No. 98-229, CC Docket No. 95-116 (released February 9, 1999), at

¶ 1.

<sup>4</sup> *Id.* at ¶ 40 and ¶ 42.

The “competitive reasons” referred to by the Commission were identified in the *First Report and Order* on telephone number portability and are summarized below.<sup>5</sup>

- “Service provider portability between cellular, broadband PCS, and covered SMR providers is important because customers of those carriers, like customers of wireline providers, *cannot now change carriers without also changing their telephone numbers.*”
- “[T]he inability of customers to keep their telephone numbers when switching carriers also *hinders the successful entrance of new service providers* into the cellular, broadband PCS, and SMR markets.”
- “[S]ervice provider portability will *promote competition* between existing cellular carriers, as well as facilitate the viable entry of new providers of innovative services.”
- “Removing barriers [to competition], such as the requirement of changing telephone numbers when changing providers, *will likely stimulate the development of new services and technologies, and create incentives for carriers to lower prices and costs.*”
- [N]umber portability *will promote competition between CMRS and wireline service providers* as CMRS providers offer comparable local exchange and fixed commercial mobile radio services.”

With the tremendous growth of wireless services, the Commission's "reasons" for mandating wireless LNP are more compelling today than ever. Clearly, the technology promises to deliver substantial rewards to consumers.

Although the Verizon petition essentially raises the same arguments which the Commission rejected several years ago, and which we are confident the Commission will reject a second time, its mere existence may be seized upon by some carriers to avoid the November 24, 2002 implementation deadline. Once again, consumers would be robbed of the benefits of wireless LNP. With this utterly realistic concern in mind, ASCENT urges the Commission to review, consider and deny the Verizon petition as expeditiously as possible.

Thank you very much for your attention to this important matter.

Sincerely,

David Gusky  
Executive Vice President

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<sup>5</sup> *First Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 95-116, RM 8535 (released July 2, 1996), ¶ 157, 158 and 160.

Cc: Commissioner Gloria Tristani  
Commissioner Kathleen Abernathy  
Commissioner Michael Copps  
Commissioner Kevin Martin  
Thomas Sugrue  
Blaise Scinto  
Jennifer Salhus  
Office of the Secretary